

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DOUGLAS ELLIMAN LLC,

Plaintiff,

-against-

FIREFLY ENTERTAINMENT INC., 13  
MANAGEMENT LLC, and EURO TRIBECA LLC,

Defendants.

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**NOTICE OF REMOVAL**

Case No. 18-cv-1381

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that Defendants Firefly Entertainment Inc., 13 Management LLC, and Euro Tribeca LLC, by and through its their undersigned counsel, hereby remove the above-captioned action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1332(a), and state as follows:

1. Pursuant to 28 U.S.C. § 1332(a), 28 U.S.C. § 1446, and Federal Rule of Civil Procedure 81, all Defendants hereby remove this action to the United States District Court for the Southern District of New York, the Court of original jurisdiction for this action, because:

- a. The matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between
- b. Citizens of different states.

2. On January 25, 2018, Douglas Elliman LLC commenced an action in the Supreme Court of the State of New York, New York County, bearing Index Number 650386/2018 (the “State Court Action”).

3. On January 30, 2018, Plaintiff served a copy of the Summons and Complaint in the State Court Action upon Defendants' registered agents.

4. Through its Complaint, Plaintiff asserts claims for breach of contract and tortious interference, and alleges that it is owed a brokerage commission in the amount of \$1,080,000 related to a real estate transaction.

5. This Court has original jurisdiction and this matter is removable pursuant to 28 U.S.C. § 1332 because it is a civil action completely between citizens of different states, and in which the amount in controversy exceeds \$75,000, exclusive of interest and costs.

6. There is complete diversity of citizenship between the Plaintiff and all Defendants in the State Court Action.

7. Plaintiff Douglas Elliman LLC is a Limited Liability Company whose members are citizens of Delaware and New York for purposes of diversity jurisdiction.

8. Defendant Firefly Entertainment Inc. is a Tennessee Corporation with its principal place of business in Tennessee.

9. Defendant 13 Management LLC is a Limited Liability Company whose members are citizens of Tennessee for purposes of diversity jurisdiction.

10. Defendant Euro Tribeca LLC is a Limited Liability Company whose members are citizens of Tennessee for purposes of diversity jurisdiction.

11. Plaintiff's Complaint prays for relief in the amount of \$1,080,000, which exceeds the amount-in-controversy requirements 28 U.S.C. § 1332(a).

12. Venue is proper in this Court because the State Court Action is pending in the borough of Manhattan, in the City and State of New York, New York.

13. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(1) as it is filed within thirty (30) days after Defendants were served by Plaintiff with the Summons and Complaint.

14. True and correct copies of the Summons and Complaint served upon Defendants are attached as Exhibit 1. The attached Exhibit 1 comprises all process, pleadings, and orders that have been served upon Defendants to date.

15. Defendants have not previously sought similar relief.

16. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly give written notice of this Notice of Removal to Plaintiff's counsel of record and will file a copy of this Notice of Removal with the clerk of the state court in which the State Court Action is pending.

WHEREFORE, Defendants request that this civil action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York  
February 15, 2018

**VENABLE LLP**

By: /s/ J. Douglas Baldrige

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